IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Bail Appl..No. 1199 of 2007()

CRIME NO.177/2006 OF KELAKAM POLICE STATION

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PETITIONER/ACCUSED

DEVASIA @ SHAJEE,
S/O.AUGUSTHY, AGED 37 YEARS, CHETTUPARAMBIL HOUSE,
KOTTIYOOR P.O., THALASSERI TALUK.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENTS: & STATE

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1. SUB INSPECTOR OF POLICE,
KELAKAM POLICE STATION, THALASSERI TALUK,
KANNUR DISTRICT.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1199/2007

Dated this 13th day of March, 2007

O R D E R

The petitioner, who is the accused in Crime No.177/2006 of Kelakam Police Station for offences punishable under Sections 498-A, 306 and 201 IPC, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The marriage between the petitioner and his deceased wife took place 15 years ago and two children have been born in that wedlock. On 4.12.2006, the petitioner's wife, Mini, drenched herself in kerosene and set herself ablaze in an attempt to commit suicide. She sustained third degree burn injuries to which she succumbed on 9.12.2007. The occurrence took place in the matrimonial home.

4. Having regard to the facts and circumstances of the case, even though I am not inclined to grant anticipatory bail to the petitioner I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail ordered by the Magistrate concerned.

5. Accordingly the petitioner is directed to surrender before the Investigating Officer on any day between 20.3.2007 and 22.3.2007 for the purpose of interrogation. The petitioner shall thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall release the petitioner on bail on appropriate conditions.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs